

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FITNESS ANYWHERE LLC,

Plaintiff,

Case No. 19-cv-06290

Hon. Gary Feinerman, Presiding Judge

v.

**CORRECTED STIPULATED  
FINAL JUDGMENT AND ORDER**

ULTIMATE BODY PRESS, INC., and  
Mr. Frank Balentine, a private individual.

Defendants.

This Order is entered pursuant to the Parties' Joint Stipulation and Motion for Final Judgment.

In this action, Plaintiff Fitness Anywhere LLC ("TRX") alleged that Defendants Ultimate Body Press, Inc. and Mr. Frank Balentine ("UBP") offer a product called the Bodyweight Resistance Trainer that infringes three of TRX's patents, namely U.S. Patent No. 7,806,814, 8,083,653, and 10,245,460. TRX additionally alleges that Defendants' use of the expressions "Suspension Training" and/or "Suspension Trainer" amounts to trademark infringement, unfair competition and/or deceptive trade practices under the Lanham Act or Illinois state law.

Before Defendants answered TRX's Complaint, the Parties entered into a Settlement Agreement and filed a Joint Stipulation and Motion for Final Judgment in the present action. In the Joint Stipulation the Parties stipulate that:

- (a) U.S. Patent No. 7,806,814, 8,083,653, and 10,245,460 are valid and enforceable;
- (b) U.S. Trademark Registration No. 3,255,160, 3,255,161 and 4,366,625 (the "SUSPENSION TRAINING® Marks") are valid and enforceable;

(c) the ULTIMATE BODY PRESS BODYWEIGHT RESISTANCE TRAINER as set forth in Plaintiff's Complaint (Dkt. 1, ¶ 15) infringes claim 1 of U.S. Pat. No. 7,806,814, claim 1 of U.S. Pat. No. 8,083,653 and claim 10 of U.S. Pat. No. 10,245,460;

(d) Defendants use of the expressions SUSPENSION TRAINING and SUSPENSION TRAINER as more fully described in Plaintiff's Complaint (Dkt. 1, ¶¶ 23-24) infringes the SUSPENSION TRAINING® Marks;

(e) the Parties have entered into a Confidential Settlement Agreement to resolve this case to the mutual satisfaction of the Parties; and

(f) each Party shall bear its own attorneys' fees and costs in connection with action.


THEREFORE, on joint motion of TRX and UBP, the Court finds good cause to grant the motion. It is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the subject matter and the parties pursuant to 28 U.S.C. §§ 1331 and 1338 because one or more counts arise under the laws of the United States and more particularly under 15 U.S.C. §§ 1114 and 1125 (The Lanham Act), and 35 U.S.C. § 271 (The Patent Act).
2. Venue in this matter is proper in the Northern District of Illinois.
3. The Complaint states a claim upon which relief may be granted against Defendants under 35 U.S.C. § 271 *et seq.*, 15 U.S.C. § 1114, 815 ILCS 510/1 *et seq.*, and Illinois common law.
4. The Parties have entered into this Stipulated Final Judgment and Order freely without coercion.
5. The Parties hereby waive all rights to appeal or otherwise challenge or contest the validity of this Order.
6. Each Party shall bear its own costs and attorneys' fees incurred in connection with this Order.
7. This Court shall retain jurisdiction of this matter for the purpose of enabling the Parties to apply to the Court for further orders, interpretation or directives as may be necessary for

the enforcement or compliance of this Order.

THEREFORE, the Parties, by their respective counsel, hereby consent to entry of the foregoing Order which shall constitute a full, complete and final judgment and order in this matter.

SO ORDERED on 10/31/2019

  
s/\_\_\_\_\_  
United States District Judge